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Statistics Of Shame: An Analysis Of Rape Cases In India

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Abstract: Existence of human society and criminal activities go hand in hand but rape is a crime, which is different from all other types of crimes because it robs off dignity of woman and leaves her to suffer throughout her life. There are still many families in India, which consider that life of a woman is over if she is a rape victim. India is a country in which on one hand women are worshipped in the form of deities and on the other hand, on an average 86 girls are raped daily, no matter whether the case is reported or not. Rape is a heinous crime that is against basic human rights and violates the dignity and autonomy of a woman. We are stepping ahead in all directions but cannot go ahead with this stigma on our forehead. The total percentage of reported rape cases is 7.07 (NCRB 2022). This brutal crime is very common in India. The society defends the perpetrators and stigmatizes the victim and her family. The present paper discusses in detail the analysis of various laws related to rape and analyses the reported cases since independence. It also discusses various amendments in rape laws under Indian Penal Code and also suggests recommendations to exterminate this crime from the country.

Index Terms - Rape, Woman, Victim, Perpetrator, Crime

Introduction

Since ancient time, women in India occupy a prestigious place in the society. Though they are given the place of 'Devi or goddess' but not equal to men. Accordingly, higher place is also just for name's sake. Criminal cases and cases of atrocities against them are continuously on the rise. They are the soft-target for those who want to take revenge. Therefore, in all types of violence, whether it is religious antagonism, caste-based clashes, suppressing female's voice, challenging male dominated areas etc., women are only scapegoats.

It is not that there is sudden spurt of cases in the present time, our so-called glorious past has dark spots also. Our scriptures narrate the horrifying stories of mayhem against women. Devi Ahilya, the wife of sage Gautama Maharishi turned into a stone for no fault of her. The crime was committed by Lord Indra but she faced all the consequences. Sita, the wife of Lord Ram was asked to go through the burning fire just to prove her chastity and even after that people were not convinced and she had to pass the rest of her life in another exile. The story of Draupadi is more or less similar. She became the victim of molestation in front of the royal congregation and was used by her husband just like material possession. These are some of the highlights of our past about which we feel pride. There are so many stories, which narrate the incidents of marrying young and beautiful girls to old rishis by their fathers for one or the other cause.

In the ancient time, although, girls were deprived of education yet they enjoyed certain liberty to be educated in early Vedic age. Scriptures like Rigveda and Upanishads mention great women sages and seers like Gargi, Maitreyi, Apala, Ghosha. But situation deteriorated as the time passed. During medieval period, they were forced to live under veil. Child marriage and sati system also started. Both of these practices were the result of atrocities of Muslim rulers against Hindu women. A lot of restrictions were imposed upon them and freedom was curtailed to minimum, on the pretext of saving their chastity. The situation

remained more or less similar during British period, until some social reformers like Raja Ram Mohan Roy and Rabindranath Tagore came forward for the protection of their rights. Though their reforms were praiseworthy but these attempts were just like a few drops in an ocean. In the mid of 19th century, the first school for girls was opened by Britishers and thus, attempts for the removal of distress started and are still continuing.

After independence, the situation began to change. People started taking care of their education and health. The situation in various spheres improved a lot e.g. literacy rate of women, which was 8.86% (out of total 18.33%) in 1951, has increased up to 70.3% (out of total 77.7) in 2020 (Hindustan Times). Even this increase in the literacy rate could not do much to improve their status in the society. The cases of violence against them are constantly on the rise. In the year 1980 (no separate category existed between 1948 to 1979) NCRB reported 10,068 no. of rape cases against women. This figure rose up to 31516 no. of rape cases with another two categories i.e. attempt to commit rape (3288 cases) and murder with rape/gang rape (248 cases) in 2022 (Figure 1 & 2) (Appendix 1). We have become more civilized, more educated but mentality of the society has not changed still.

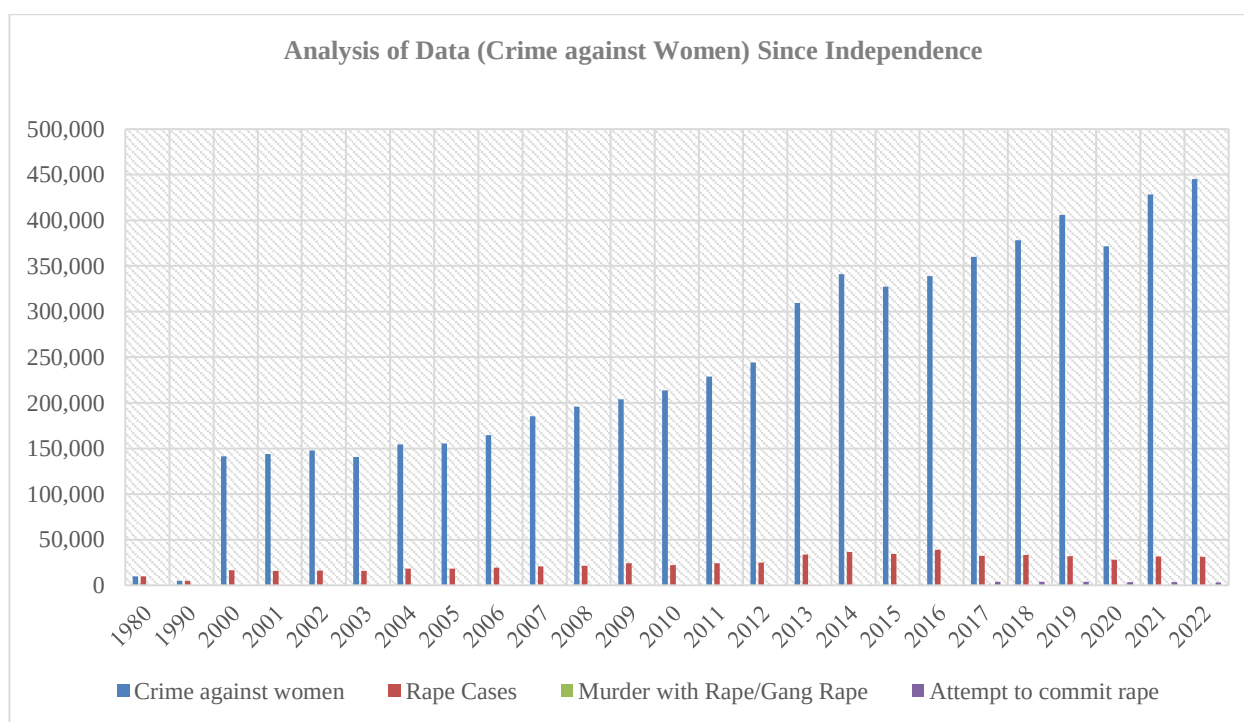


Figure: 1 Analysis of Data (Crime against Women) Since Independence

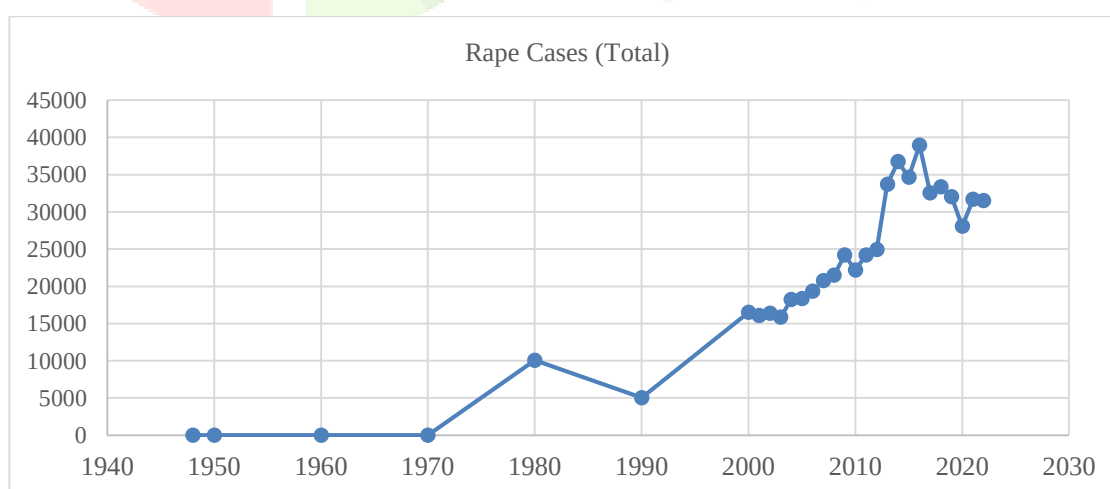


Figure: 2 Analysis of Rape cases since independence

A number of fundamental rights and constitutional provisions have been made for their upliftment in which women are as much beneficiary as men. To protect the dignity and rights of women, various laws have been made e.g. Hindu adoption and maintenance act of 1916, Hindu minority and guardianship act of 1916 before independence. In free India also, a no. of constitutional provisions is there for their upliftment like Hindu succession act of 1956, Hindu women right to property act of 1973, Dowry prohibition act of 1961

and Equal Remuneration act of 1976 etc. In spite of various constitutional provisions, the condition of women in the society is still vulnerable.

When the country got freedom, NCRB reported total 625,909 crimes in 1948 under different categories of IPC. In just two years there was 1.5% increase (635,508 in 1950) in total no. of crimes. The first decade after independence i.e. in 1950-1960, there was a little bit decrease in the total no. of crimes from 635,508 to 606,367 i.e. 4.5% decrease in 1960. The next decade of 1970 witnessed sudden upsurge of 57.56% (955,422 cases) over 1960. Up to 1970 there was no exclusive reporting of crime against women. These total figures also included total crimes against women also under different categories but with no separate column.

From 1980 up to 2000, the NCRB reports present separately only one crime against women i.e. rape cases. From the decade of 2000, NCRB started reporting crimes against women as a separate section under various subheads of IPC i.e. cruelty by husband or his relatives, assault on women with intent to outrage her modesty, kidnapping and abduction of women, rape, insult to the modesty of women, dowry death, procurement, selling and buying of minor girls, immoral traffic prevention act (1956), dowry prohibition act (1961). From the year 2014, the legal procedure became more sensitive and various categories were also added under crime heads of crime against women related to rape i.e. attempt to commit rape and in 2017, another category i.e. murders with rape or gang rape.

In 1980, out of the total crimes (13, 68,529) 10,068 crimes were registered under the category of rape, which amount only 0.73% of the total crimes. The decade of 1980-1990 witnessed unprecedented jump (489,801 cases) over 1980 in total no. of crimes but total rape cases decreased up to 50% from 1980 (10,068 total rape cases) to 1990 (5,023 total rape cases). The decade 1990 to 2000 reported sudden increase in the total no. of crimes against women. The report mentions 1, 41,373 crimes against women in 2000 (out of total no. of crimes 51, 67,750), out of them 16,496 were rape cases only. The next decade (2000-2010) witnessed sudden spurt in the total no. of crimes by 30.6% over the year 2000. Total 2, 13,585 cases were registered for violence against women i.e. 3.16% of the total crime and out of them 22,172 (10.38%) were only rape cases.

In the present decade (2010-2022), total no. of crimes has dropped down remarkably but the decade has witnessed sudden upsurge in the total reported cases of crimes against women (445,256 out of 582,496) and out of them 31,516 are only rape cases that depict disgusting situation of women. It hardly matters whether total no. of crimes is increasing or decreasing but registered crimes against women are continuously on the rise.

The report of NCRB also provide description of perpetrators. According to the report of NCRB (2022), in 30,454 cases, culprits were known to victims and these perpetrators were close relatives (like family members, family friends, Neighbours, Employer, Friends, Online Friends, Live-in-partners on pretext of marriage, Separated Husband mentioned etc.) and only in 1,106 cases offenders were unknown or not identified (Figure 3) (Appendix 2). Figure 3 depicts the real scenario of perpetrators:

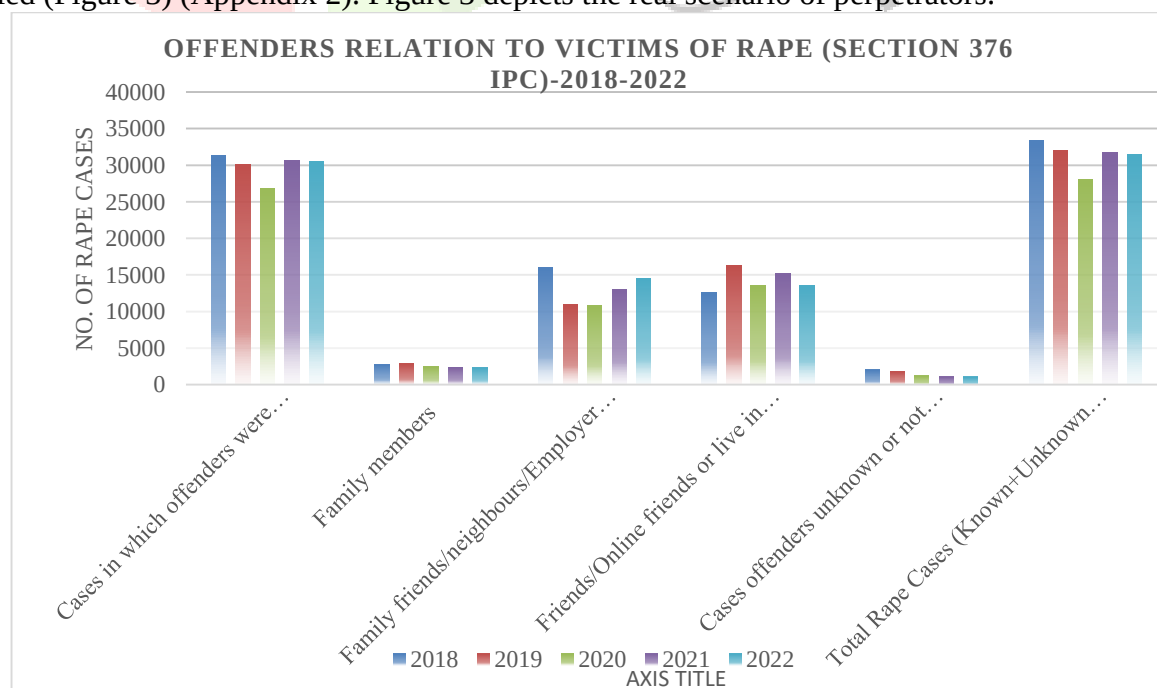


Figure 3: Offenders Relation to victims of Rape (Section 376 IPC)-2018-2022

In 2015, NCRB categorised rape cases into various subheads such as custodial rape (including gang rape and other rape) and other than custodial rape but in 2017 the report replaced them with two other categories specially rape cases culminating in murder and attempt to commit rape. In the first category i.e. rape culminating into murder or gang rape; in 2017, 223 cases (0.06% of the total crime against women); in 2018, 294 cases (0.07%); in 2019, 283 cases (0.06%); in 2020, 219 (0.05%) cases, in 2021, 284 (0.06%) cases and in 2022, (0.05%) cases were reported. In the second category (attempt to commit rape) 4154 cases (1.15%) in 2017, 4097 cases (1.08%) in 2018, 3944 (0.97%) in 2019, 3741 (1.00%) cases in 2020, 3800 (0.8%) in 2021 and 3288 (0.73%) in 2022 were registered (Figure 4) (Appendix 3).

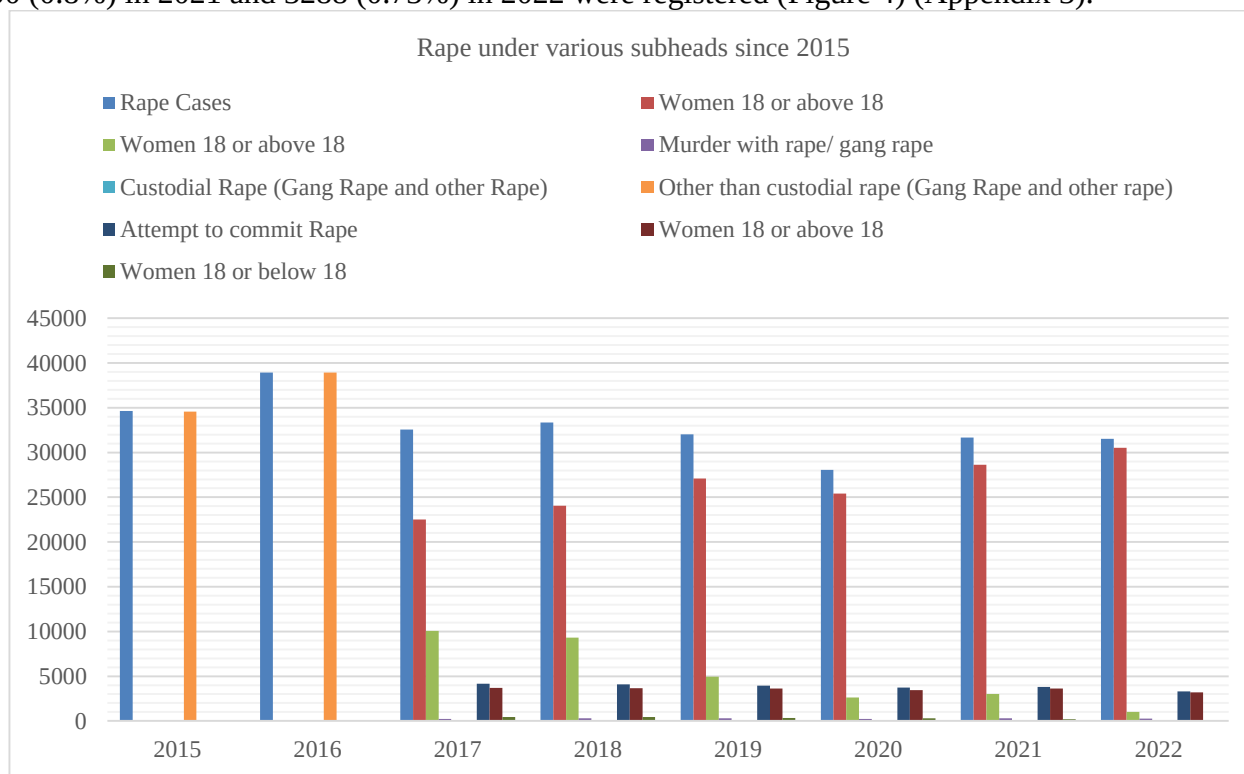


Figure 4: Rape under various subheads since 2015

Rape is the most heinous and barbaric crime compared to others that violates the honor of women and their bodily integrity. It clearly violates the article 21 of Indian Constitution i.e. right to life with dignity. It is a serious national problem that exact number of cases is not available. In spite of being a heinous crime, most rapes across the country go unreported because the rape victims fear dishonor, hatred and retaliation in society (Shanmugam, 2013). Reporting of the rape cases {in terms of percentage (11.66% in 2000 and 7.54% in 2020)} in last two decades appears low, but the number of reported rape incidents has risen sharply from 16,496 in 2000 to 31,982 in 2022 (93.87% increase) in two decades. The sudden increase in reporting such crimes after decades is only due to spread of education, awareness of their rights and their belief in the judiciary.

According to NCRB data (2022), India registered 31,516 rape cases in 2022- an average 86 cases daily. The state of Rajasthan (5,399) recorded the highest number of cases in two decades of 21st century. The NCRB figure for 2022 had put the rape cases in Rajasthan at 5,399 with 17.1% of entire nation's rape cases and maintains its position in top 5 among the highest crime hotspot states from several years followed by Uttar Pradesh (3,690, 11.7%), Madhya Pradesh (3,029, 9.6%), Maharashtra (2,904, 9.2%), Odisha (1,464, 4.6%) and Haryana (1,787, 5.6%). Among Union Territories, Delhi recorded the highest number of cases 1,212 with 3.8% of total rape cases in 2022 (Figure 5 and 6) (Appendix 4).

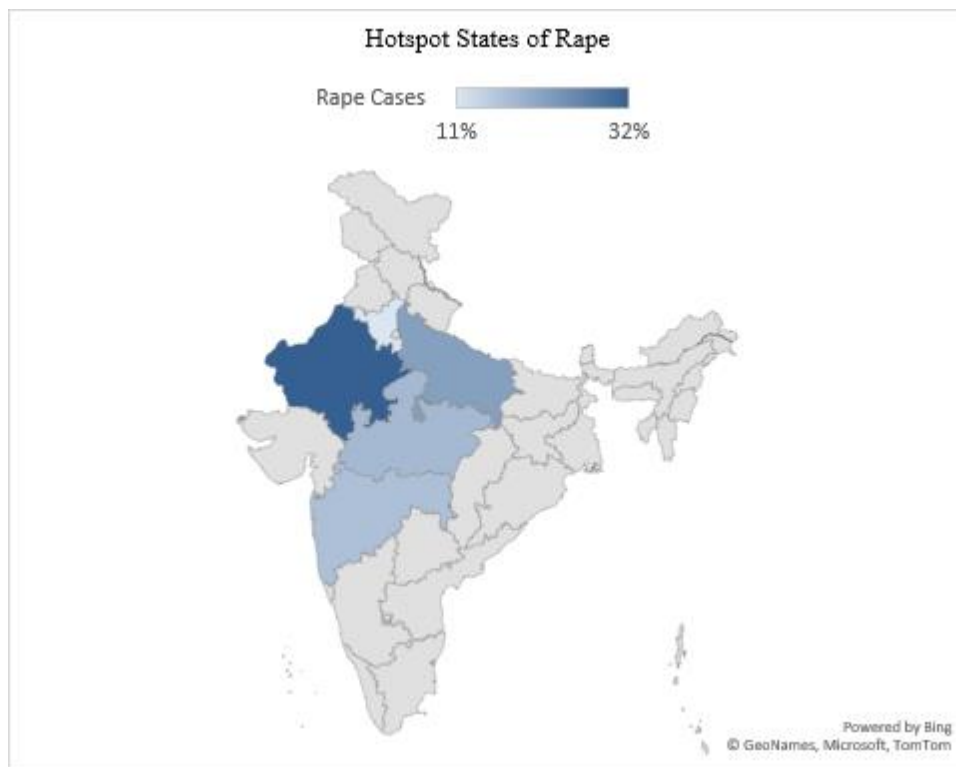


Figure 5: Hotspot of Rape Cases

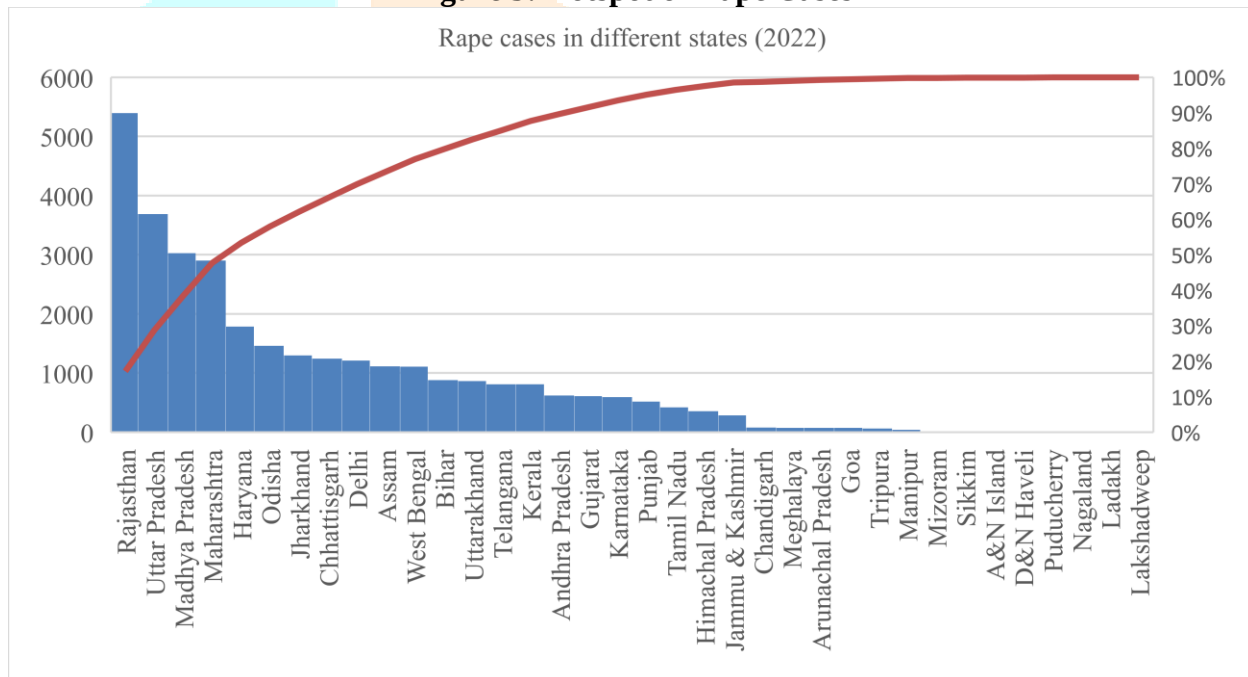


Figure 6: Rape cases in different states in year 2022

NCRB report (2022) reveals that in India, everyday approximately 86 rape cases (the Hindu) are reported in the country and the most horrific aspect is that even elderly women are also raped in our country. NCRB (2022) reports clearly mentions the total 4,45,256 incidences of crime against women with total 31982 rape victims (Below & Above 18 both), and 87 cases belong to elderly women (60 years and above). Under Section 4 & 6 of POCSO Act/Section 376 IPC, 37511 child rape (Girl Child Victims (NCRB 2022) incidences are reported (Figure 7) (Appendix 6). According to NCRB (2021), rape is the 4th most common occurring crime after the category of Cruelty by husband or his relatives, Assault on women with intent to outrage her modesty and kidnapping and abduction of women. The NCRB reports; actually, do not tell the actual situation as many cases remain unreported (UN Department of Public Information, 2011) as in our conservative society, instead of perpetrators, the victims are labeled as impure and not given honorable treatment by the society.

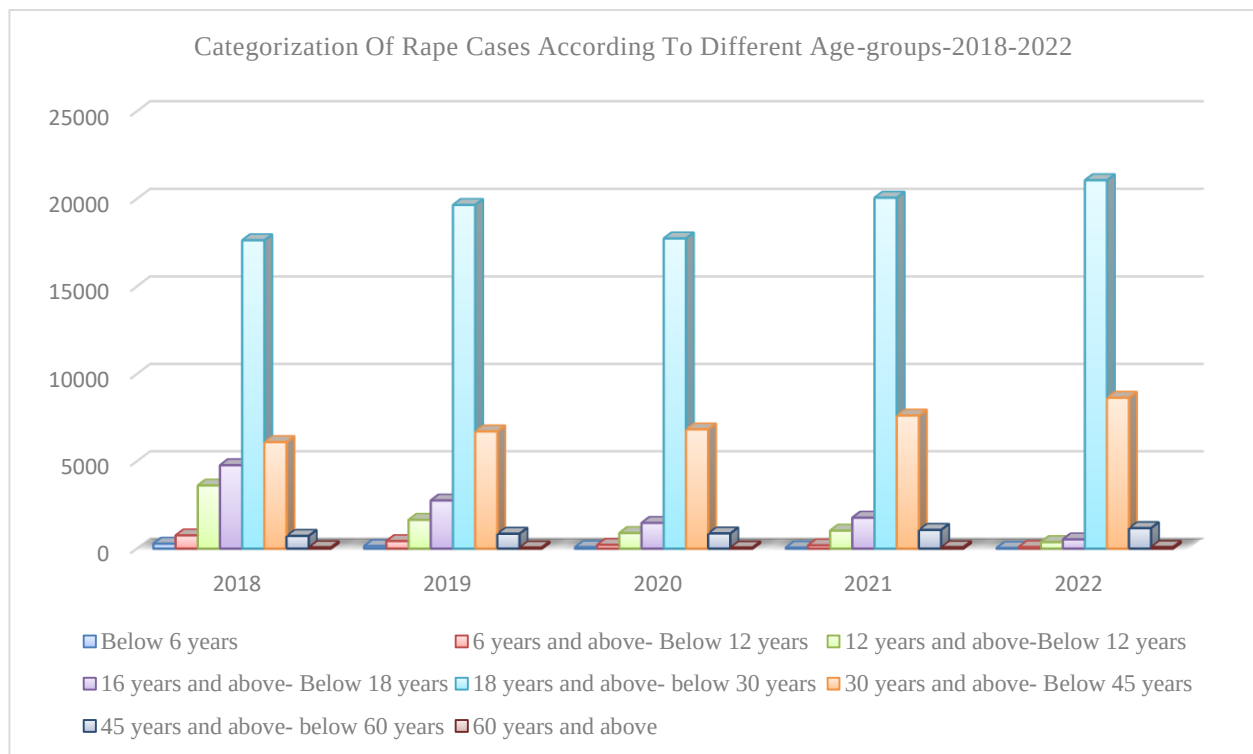


Figure 7: Categorization of Rape cases according to different Age-Groups-2018-2022

I. Legal Provisions

As said by Henry Thomas Buckle, “Society prepares the crime; the criminal commits it”. Rape is a stigma that has been in existence in society from a longer period of time. Rape is defined as a violation of woman basic right to live with dignity and violation of her chastity. It causes unbearable torture to a woman. She is not only physically or mentally tortured but also brutally harassed and traumatized by society. The term ‘Rape’ as a clearly defined offence was first introduced in the Indian Penal code in 1860 and came into force in 1862. Rape gets highlighted in section 375 chapter XVI of the IPC as ‘Sexual offences. The table given below describes the changes in the Rape laws since 1862.

Table 1: Rape Laws in India

	Laws	Previous Law	After Amendment
1.	First Law IPC 1860	No uniform Law in country	‘Rape’ includes _sex without consent _with consent but under the fear of death or under pretences _statutory rape (rape of women who are below the age of 16) Punishment _7 years of prison to life imprisonment <i>(The Indian Penal Code, 1860 Act No. 45 of 1860 [6th oct, 1860]</i>
1.	Criminal Law (Amendment) Act 1983 Mathura Rape Case 1972 [Tuka Ram and Ors vs state of Maharashtra	_Custodial rapes were not recognized. _The onus of proof from woman only in all cases. _Minimum Punishment for rape case 2 to 7 years to life imprisonment	_ Custodial rape has been recognized for the first time. _onus of proof has been shifted from the prosecutrix (victim) to the defendant (accused). _presumption as to absence of consent in certain in certain prosecutions for rape

		rigorous imprisonment (RI).	_prohibition of disclosure of identity of the victim of certain offences etc. and prohibited 'character assassination' _the inquiry into and trial rape to be conducted in camera _printing or publication of a proceeding without prior permission of court Punishment _The minimum punishment was extended up to a life term _Gang rape or rape of a girl under 12 years is punishable from 10 years RI to life imprisonment
	The Supreme Court judgment in 2000 (State of Punjab v. Gurmeet Singh & Ors ¹³ on 16 Jan 1996)	It was necessary for registering the case before medical examination.	_Victim's need for a medical examination regarded as "medicolegal emergency". _It was also the right of the victim of rape to approach medical services first before legally registering a complaint in a police station.
	The Indian Evidence (Amendment) Act of 2002 (PIL by NGO named Sakhi)	Cross examination in the court proceedings (sexual acts, personal life and other private matters) was permissible.	Cross examination (directly or indirectly about the character) was prohibited.
	Criminal Law (Amendment) Act 2005	_Only women doctors were allowed to examine the victim. _There was no provision of medical examination of the accused.	_Consent of victim became mandatory for medical examination by the registered medical practitioner. _When women doctor is unavailable, there is no bar against the male doctor with the consent of the victim. _Detailed and immediate medical examination of the accused of rape. _Investigation by judicial magistrates of custodial rape and deaths. _examination of accused of rape by medical practitioner at the request of police officer

Criminal Law (Amendment) Act 2008	_Recording of statement at police station in front of police officer. _Inordinate delay in the trial of the case. _Proceedings in the presence of camera. _Complete ban on publishing the trial proceedings	_Recording of the statement at the residence of the victim or any place of her choice by women police office (if possible) in the presence of parents or guardian etc. _Investigation of rape must be completed within two months (victim above 18) in general and three months (victim below 18) in the case of a child. _Camera trial be conducted, as far as is practicable, by a woman judge or magistrate. _Partially lifted the ban on publishing trial proceedings in relation to an offence of rape but confidentiality was maintained relate to name and address of the victim. _compensation scheme of the victim as immediate relief and long-term rehabilitation.
Criminal Law (Amendment) Act 2013 (Nirbhaya Gang rape Case 2012)	_No legislative committee was formed to look into that type of matters. _Character Assassination was totally prohibited. _Only sexual intercourse was regarded as rape. _The offence of rape was gender neutral. _Under the Juvenile Justice Act, the age of being tried as an adult for violent crimes like murder and rape was 18 years.	_Justice J.S. Verma was constituted to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. _But this amendment restated that the 'character of the victim' was totally irrelevant to rape cases. _rape crisis cells were established _Verma committee recommended discontinuation of two finger test of rape victims. _evidence of character or previous sexual experience not relevant in certain cases. _New offences like, acid attack, sexual harassment, stalking has been incorporated into the IPC as crime against women _It expands the definition of rape to include oral sex as well as the insertion of an object or any other body part into a woman's vagina, urethra or anus. _ 'consent', to mean an unequivocal agreement to engage in a particular sexual act; clarifying further, that the absence of resistance will not imply consent. _Now this offence is women centric. Only a man is assumed to be capable of committing such offence and that too against a woman only. Punishment _If a person committing the offence of sexual assault, "inflicts an injury which causes the death of the person or causes the person to be in a persistent

			vegetative state, shall be punished with minimum rigorous imprisonment for a term not less than twenty years to maximum imprisonment for life. _Under the Juvenile Justice Act, the age of being tried as an adult for violent crimes like murder and rape was changed to 16 years.
	Criminal Law (Amendment) Act 2018	_maximum time of 3 months within which the investigation of a particular case has to be done in case of rape of a minor girl. _the anticipatory bail to persons who are under the apprehension of being arrested for a non-bailable offence.	_Under POCSO, the minimum punishment is 20 years to life imprisonment and with fine or with death in case of gang raping a girl under 16 years of age and the maximum sentence to death if child below 12 is raped. _maximum time of 2 months (a speedy trial) within which the investigation of a particular case has to be done in case of rape of a minor girl. Furthermore, it has reduced the investigation time period of all the cases of rape including rape, gang rape, and rape of minors under the age of 12 years and 16 years. _It has made anticipatory bail inapplicable to the offences of rape and gang rape where the perpetrator is below 16 years of age thus no court shall have the power to grant an application of anticipatory bail to a person who is apprehending arrest in a rape case related to minor.

Table: 2 Major changes Proposed in Criminal Law (Amendment) Bill, 2018

Age of Women	Offence	Punishment under IPC, 1860	Criminal Law (Amendment) Bill, 2018
Below 12 years	Rape or Gang Rape	Minimum: 10 years Maximum: Life imprisonment	Minimum: 20 years Maximum: Life imprisonment or Death Penalty
Below 16 years	Rape or Gang Rape	Minimum: 10 years or 20 years Maximum: Life imprisonment	Minimum: 20 years or Life imprisonment Maximum: No change
16 years and above	Rape	Minimum: 7 years Maximum: Life imprisonment	Minimum: 10 years Maximum: No change

Source: Indian Penal Code, 1860: The Criminal Law (Amendment) Ordinance, 2018; PRS. [Prsindia.org/bill-track/criminallaw-amendment-bill-2018](https://prsindia.org/bill-track/criminallaw-amendment-bill-2018)

However, the IPC laws are very strict and a number of amendments have taken place. The sensitivity and seriousness of cases have compelled the Judiciary to bring changes in the previous laws, whether it is the case of tribal girl of 1972 or murder with gang rape case of 2012 (Nirbhaya case) or the case of 8-year-old girl of Jammu and Kashmir in 2018.

II. Measures of government

In all countries, rape is considered as a crime, without reference to any legal principle. It is described as: 'a violence against woman or a form of torture that is violation of basic human rights or gender discrimination contrary to the equality between man and woman, a war crime and a crime against humanity.'

There are already in existence various laws including separate ministry in all states as well as at Central level. Ensuring safety and security of its people comes under the preview of state government while at the central level the Ministry of Women and Child Development looks various issues related to women like Dowry Prohibition Act (1961), Indecent Representation of Women (Prohibition) Act (1986), Domestic Violence Act (2005), the Prohibition of Child Marriage Act (2006). The ministry is also responsible for the Protection of Child Rights Act (2005) and Protection of Children from Sexual Offences Act (POCSO) (2012), Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013), and Juvenile Justice (care and protection of children) Act (2015).

With increasing crime against women in India, women are not safe on streets, in public transportation and other public places. Such incidents of crime restrict women's basic rights to mobility, restrict their freedom to walk, and move in public spaces of their choices. With increasing crime rate against women in India, a no. of provisions has been made for their safety. Below is given a list of them.

Table 3: Safety and Security Projects for women and Girls by Government of India

	Proposals and Schemes
Rape crisis cell (Justice Verma committee 2012)	Immediate legal assistance to the victim
Nirbhaya fund (2012)	Ministry of finance and ministry of women and child development Recommended proposals and schemes for safety projects of women like - One Stop Centre (OSC) scheme - Universalization of Women Helpline - Mahila Police Volunteers (MPVs) - Emergency Response Support System - Central Victim Compensation Fund (CVCF) - Cyber-crime prevention against women and children (CCPWC) - DNA analysis facilities; quickest process to obtain forensic evidence in sexual evidence - Fast track special courts - Sexual Harassment electric Box (she-Box) - Aadhar Groh Schem- to provide rehabilitation and assistance to live life with dignity

In spite of harsh and strict legal penalties and provisions, the number of rape cases is continuously on the rise. The situation compels us to think about this worsening situation. The above given analysis of data reveals the occurrence of the crime in relation to various demographic variables but it does not reveal the causes or the reasons behind the crime. The below given paragraphs discuss where we have gone wrong and analyze the reasons into various heads like: psychological causes, socio-cultural causes, ideological causes and legal causes.

3.1. Psychological Causes: Since Indian society is conservative in nature, it is taboo to discuss sex issues freely. Youths failed to satisfy their instinct and get half cooked knowledge from their age-mates and others. Since youths live in fear of adult refusal, moral rigidity, sense of shame and the like (Pandey, 1969), they adapt to the fear that surround them by rejoicing their power, asserting their antagonistic masculinity and resorting to rape (stroller, 1979). Some psychologists (Alexander and Healy, 1935; Eiser, 1949) are of the opinion that the basic cause of rape is mal-development or unbalanced development of personality. Those individuals who do not have control over their 'Id' and have weak 'ego' and superego are not able to judge between right and wrong. such people believe in pleasure principle and may indulge in any type of activity to satisfy their Id. Some psychologists (Alexander and Stab, 1956) give credit to unconscious self of the people with immense urge of punishing. Such people "due to unconscious guilt feeling may lead to criminal type life style (Bergman, 1949). This approach regards Id and unconscious self as responsible for rape. Another psychological viewpoint regard rapist as people suffering from various 'socio-psychopathic sexual deviation' like exhibitionism, sadism, masochism, homosexuality, zoophilia etc. Although there are not research based proof of this that all psychopathic sexual deviation led to rape and indicate the fact that rapists have abnormal sexual urge. The other psychological viewpoint believes in the fact that some men and women suffer from excessive sexual urges. This abnormal urge among females is known as 'nymphomania' and among males it is called 'Satyriasis'. If this abnormality is not addressed timely and in proper manner, it may be disastrous and lead to criminal sexual activity. Some psychologists (Amir, 1971) regard rape as 'an aggressive sexual act to satisfy the sexual desire'. Generally aggressive

people vent out their aggressive feeling to take revenge or may indulge in sexual crimes like rape. It is due to this aggressive output they indulge in physical assaulting the victim. There is another approach, which regards rape victims as actually the offenders. This viewpoint blames victims to encourage offender to commit the crime. Some psychologists say that females through their provocative and seductive dresses lure the offender, but this viewpoint makes the offender helpless and incapable of resisting themselves and being guided by the other gender. However, this approach seems to be more social than psychological.

3.2. Socio-cultural causes: Socio-cultural determinants of rape have two variations: Functionalist and due to conflict. Functionalist regards rape as a necessity of conventional society. It regards that the rape is the result of unfulfilled sexual desire of those who do not get them satisfied through socially accepted manner. This approach believes that rape is a social necessity for those who have irresistible desire for sex. The theorists, who believe in conflict approach, regard rape as 'display of power', to show that women are inferior to man in all the areas. Males may exercise their superiority through a number of ways and rape is one of them (Roby;1969). This is the only reason that is why rape cases are found in all types of society ranging from underdeveloped to developed. Conflict approach regards hatred and hostility towards women as the prime cause of rape. Advocates of this approach regard rape less as a sexual act and more as a display of power. Whatever may be the cause of rape and whatever may be the justification, the fact remains that a woman who is raped is torn apart both psychologically and socially. The offender may satisfy his lust or take revenge or display power but the victim is always socially stigmatized especially in traditionally country like India. It is not only an act of shame for civilized society but also a social stigma which needs immediate effort to shut it off. The offender should be punished in such a manner; it should be a lesson for those who dare to indulge or may dream in indulging in such an activity. In Brownmiller and Bart's opinion (Brownmiller 1975; Bart 1981), an act of rape is simply a show of power play and reflects revenge or hostility toward women. Through this act a man reminds a woman that he is superior to her both in power and position. These types of activities are in practice not only in present but since time immemorial. An act of rape has been used as a tool to punish the unsterile women. This viewpoint considers rape as a biological tendency of males to express their anger, power or revenge. Various sociologist (Andrey, 1966; Lorenz, 1966; Tiger, 1969) regard males' nature as genetically 'programmed for rape'.

3.3. Ideological Causes: Deterioration in moral values and failure of family as an institution for inculcating desirable values are the major causes giving rise to incidences of rape. Although in a traditional society like ours, it is the victim who is blamed not the offender. Ours society has dual standards for children; very strict and insensitive parameter for female child and more freedom and sympathetic attitude towards the male child. In some families, all facilities are given to male child and female child is given the 'second' treatment. This behavior inculcates the feeling of power in male child and female child develops the traits like submissiveness, unresisting, politeness, undemanding etc. A rape victim is considered as impure after the assault while nothing happens to the offender. Once a rape incident is occurred, the society starts stigmatizing the victim by blaming provocative clothing, luring the boys, moving outside at untimely hours and inviting behavior etc. as the causes of such incidences. There have been the incidences in which the legal representative has been found in making the statement like "adolescent boys may commit mistake and it is this age that commit the crime and they are to be pardon". In reaction to the Delhi gang rape incident the representative of the legislature in Rajasthan suggested banning skirt as uniform for girls blaming it as the reason for increase cases of sexual harassment. Society due to social pressure forces rape offender compromise with the victim so that the charges may be dropped down. Older members of family, village and society counsel the victim to compromise or even to marry the offender as nobody would like to marry a rape victim. Instead of bringing justice to a victim, she is more victimized than the rapist. In sexual matters our society maintain the culture of silence or 'hush culture'. Sexual activities are practiced but adolescent boys and girls are kept away. The half-cooked knowledge towards the sex exposes youngster to satisfy themselves to internet or obscene content on the Internet or audio-visual films, which makes them mature before time. Exposure to such content at an early age is also a major cause for such crimes.

3.4. Legal Causes: Our sluggish judicious system adds fuel to the fire. First of all, only few cases are reported in India, reporting rape is 428278 i.e. very low (NCRB 2021). Verbal harassment, Eve-teasing, shameful comments go unattended. Those cases, which are reported, the procedure is so lengthy that it may take years to the victim to get justice. Previously the two-finger test of the victim, harassing comments of the opposition lawyer, etc. were the causes which resist the step of victims to go for justice. At present the numbers of cases are continuously on the rise. Judicial changes are also being made; society has also changed its attitude towards offender. Below are given a few suggested measures, which may be to put its practice to curb the menace.

IV. Suggestive Measures/ Discussion

The increasing cases of rape is a brutal sexual crime against women, which forces us to think that somewhere we have gone wrong. Simply making stringent laws and harsh punishment are not resisting the perpetrators. There is a continuous rise in the no. of cases. Now the responsibility is on the shoulder of society as a whole. Below are given some measures:

Sex education in one form or the other should be made compulsory since adolescent age, to familiarize the children with the reproductive organs. Although there have been various attempts to make sex education compulsory in the previous years but resistance has been provided at various levels. In a recent report of UNESCO (UNESCO 2021) provided a list of countries regarding their progress in implementing sex education and surprisingly India is far behind from many undeveloped countries like Congo, Kenya, Uganda, Ghana, and Sudan to name a few. In these countries, sex education starts at primary level while in our country, various related concepts of sex education are considered from secondary level onwards. We do not have uniform policy regarding comprehensive sex education.

In 2005, Central Board of Secondary Education (CBSE) started a sex education program Adolescence Reproductive and Sexual Health (ARSH) which dealt with various facts of sex education but it could not be successful (deccanherald.com). Similar efforts from time to time were made in some states like Jharkhand, which implemented "Udaan," a school-based adolescent education program. It started in 2009 and by 2019 over a million students were educated about health including sex education (UNESCO 2021). Unfortunately, such a program would only mean a drop in the ocean because the magnitude of necessity in the country is large. This aspect could never be included in main stream of education. Neither the government nor the social institutions are working in this direction of global menace. Even some states like Maharashtra, Gujarat, Rajasthan, Madhya Pradesh, and Karnataka have banned sex education in their schools. Until and unless changes are made at policy level, sex education cannot be taught in Indian Institution because resistance is provided at various levels from people of society to the policy makers.

Family members may play an active role in inculcating right values among children and by providing friendly and comfortable environment to all children so that they may share their feelings without hesitation and may clear their doubts. Open environment of the family may help in developing right attitude towards sex.

India is traditional society, which places an important place to male child in the family in comparison to their counterpart female child. "Instead of teaching our boys to behave respectfully towards women, we teach our girls a set of rules so that they do not attract unnecessary attention. One of the major reasons why violence against women is prevalent is "bad parenting" of the male child (Sharma, 2019). In Indian society, violence by male against women is a common phenomenon. Males of the society practice it because it releases their tension, makes them feel better, puts to an end an argument for which they have no reply and merely results in appropriate punishment for the perpetrators.

As per NCRB 2022, 96.6% perpetrators are known to the victim. Among them 7.63% are the close members. Urgent need of the hour is to redefine the role of family in the society. Family needs to change its mindset. Instead of blaming clothes, freedom etc. male children should be taught to respect women and not to treat them as mere object of entertainment. Family members should be as much vigilant towards male child as they are towards female child.

The environment of Indian schools may also be held responsible for not developing right attitude among children. After a certain age, boys and girls are asked to sit separately. This is a common phenomenon, which is observed everywhere in all schools. As students reach puberty, they start making distances, girls are taught to be friendly with female friends and boys are taught to be friendly with male friends. Intermixing of gender is seen something as unusual. At any stage, a child is never taught the concept of consent and sex (Gautam, 2021). Simply introducing a chapter on reproductive organs is not sufficient. Children look for more information to various inappropriate sources. Teachers are least concerned with students' mental health and hardly a few are trained as a counsellor. If any incident of rape occurs, the discussions are generally about the dress attracting boys and the tone of question is "victim blaming". Schools, basically, are the places where next generation is prepared to face the challenges of the coming time but this traditional mindset add only fuel to the fire. Therefore, there is urgent need that school culture should be sensitive enough to provide a helping hand to the victim, treating both the gender alike and developing proper attitude towards female gender among the children. The role of teaching staff may be instrumental in inculcating right values among learners.

The role of the media may also be instrumental in inculcating right values among learners. Unfortunately, use of female body in all types of advertisement is also responsible for developing biased attitude towards females. They are presented as mere objects. Even in many reported cases of rapes, language, tone, sources

of information, privacy etc. are some of the issues, which are not sensitive enough and need to be addressed urgently. Instead of presenting the cases as display of power or honor/shame game, they should be reported as extreme violence against the life of another person. The perpetrators should be stigmatized instead of victim and his family.

V. Conclusion:

Now this crime is regarded as a global epidemic as it is widespread among all the countries irrespective of educational level and economic growth of a country. Accurate statistics regarding rape cases is difficult to obtain. The biggest complication is that most of the victims of sexual violence choose not to report it. There are many possible reasons for this decision like embarrassment, victim shaming, fear of reprisal from the rapist, even fear of how the victim's own family will react. In most of the cases representatives of the society emphasize mutual compromise in the case or somehow try to reach a form of settlement by marrying the victim. In most of the cases during the trial, evidences are sought regarding the character of the victims instead of the accused. Social stigmas always go with victims. There are some loopholes in the existing laws and this ambiguity goes in favor of accused. On one hand, we are scaling new heights and trying to solve the mysteries of galaxies, and on the other side we have the data which shows that a rape incidence occurs at every 22 minutes, no matter whether it is reported or not. Until and unless we aware ourselves and change our attitude, situation will remain as it is. Simply making strict laws will not suffice the purpose. All the stakeholders have to go hand in hand to exterminate this barbaric crime from our society.

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Appendix:**Appendix 1: Analysis of Data (Crime against Women) Since Independence**

Years	Total Crime Incidences	Total Crime against women	Rape Cases (Total)	Murder with Rape/Gang Rape	Attempt to commit rape
1948	6,25,909	NA	NA	NA	NA
1950	6,35,508	NA	NA	NA	NA
1960	6,06,367	NA	NA	NA	NA
1970	9,55,422	NA	NA	NA	NA
1980	13,68,529	10,068 (Only Rape)	10,068 (100%)	NA	NA
1990	48,98,012	5,023 (Only Rape)	5023 (100%)	NA	NA
2000	51,67,750	1,41,373 (2.73%)	16,496 (11.66%)	NA	NA
2001	53,44,538	1,43,795 (2.63%)	16075 (11.17%)	NA	NA
2002	55,31,172	1,47,678 (2.66%)	16373 (11.08%)	NA	NA
2003	54,94,814	1,40,601 (2.55%)	15847 (11.27%)	NA	NA
2004	60,28,781	1,54,333 (2.55%)	18233 (11.81%)	NA	NA
2005	50,26,337	1,55,553 (3.09%)	18,359 (11.80%)	NA	NA
2006	51,02,460	1,64,765 (3.22%)	19348 (11.74%)	NA	NA
2007	57,33,407	1,85,312 (3.23%)	20737 (11.19%)	NA	NA
2008	59,38,104	1,95,856 (3.29%)	21467 (10.96%)	NA	NA
2009	66,75,217	2,03,804 (3.05%)	24206 (11.87%)	NA	NA
2010	67,50,748	2,13,585 (3.16%)	22,172 (10.38%)	NA	NA
2011	62,52,729	2,28,650 (3.65%)	24206 (10.58%)	NA	NA
2012	60,41,559	2,44,270 (4.04%)	24923 (10.20%)	NA	NA
2013	6640,378	3,09,546 (4.66%)	33707 (10.88%)	NA	NA
2014	72,29,193	3,41,002 (4.71%)	36735 (10.77%)	NA	NA
2015	73,26,099	3,27,394 (4.47%)	34651 (10.58%)	NA	NA
2016	48,31,515	3,38,954 (7.01%)	38947 (11.49%)	NA	NA
2017	50,07,044	3,59,849 (7.18%)	32559 (9.04%)	223 (0.06%)	4154 (1.15%)
2018	50,74,634	3,78,277 (7.45%)	33356 (8.81%)	294 (0.07%)	4097 (1.08%)
2019	5156172	405861 (7.87%)	32033 (7.89%)	283 (0.06%)	3944 (0.97%)

2020	6601285	371503 (5.62%)	28046 (7.54%)	219 (0.05%)	3741 (1.00%)
2021	3663360	428278 (11.6 %)	31677 (7.3%)	284 (0.06%)	3800 (0.8%)
2022	3561379	445256 (12.5%)	31516 (7.07%)	248 (0.05%)	3288 (0.73%)

Source: (National Crime Records Bureau, Ministry of Home Affairs <<http://ncrb.gov.in/>> Accessed on May 8, 2024)

Appendix No. 2 Offenders Relation to victims of Rape (Section 376 IPC)-2018-2022

All India	Cases in which offenders were known to victims				Cases offenders unknown or not identified	Total Rape Cases (known +unknown offenders)
	Cases offender known to victim (Total)	Family members	Family friends/neighbours/Employer or other known persons	Friends/Online friends or live in partners on Pretext of marriage/separated husband		
2018	31320 (93.8 %)	2780	15972	12568	2036 (6.1%)	33356
2019	30165 (94.16%)	2916	10938	16311	1868 (5.83 %)	32033
2020	26808 (95.5 %)	2502	10751	13555	1238 (4.41 %)	28046
2021	30571 (96.5 %)	2424	12951	15196	1106 (3.49 %)	31677
2022	30454 (96.6 %)	2324	14582	13548	1062 (3.36 %)	31516
Source: (National Crime Records Bureau, Ministry of Home Affairs < http://ncrb.gov.in/ > Accessed on May 8, 2024)						

Appendix 3: Rape under various subheads since 2015

		2015	2016	2017	2018	2019	2020	2021	2022
Total crimes		73,26,099	48,31,515	50,07,044	50,74,634	5156172	6601285	3663360	3561379
Total crime against women		327394 (4.47 %)	338954 (7.01 %)	359849 (7.18 %)	378277 (7.45%)	405861 (7.87 %)	371503 (5.62 %)	428278	445256
Rape cases	Total	34651	38947	32559	33356	32033	28046	31677	31516

		(10.5 8%)	(11.4 9%)	(9.04 %)	(8.8 1%)	(7.89 %)	(7.52 %)		
	Wo men 18 or abo ve 18			2250 0	240 44	2709 3	2540 6	2864 4	3051 2
	Wo men 18 or Girl s belo w 18			1005 9	931 2	4940	2640	3033	1004
Murder	with gang rape			223 (0.06 %)	294 (0.0 7%)	283 (0.06 %)	219 (0.05 %)	284	248
Custodial Rape	(Gang Rape and other rape)	95	10						
Other than custodial rape	(Gang Rape and other rape)	3455 6	3893 7						
Atte mpt to com mit Rap e	Total			4154 (1.15 %)	409 7 (1.0 8%)	3944 (0.97 %)	3741 (1.00 %)	3800	3288
	Wo men 18 or abov e 18			3697	365 2	3608	3446	3616	3197
	Girls belo w 18			457	445	336	295	184	91

Source: (National Crime Records Bureau, Ministry of Home Affairs <<http://ncrb.gov.in/>> Accessed on May 8, 2024)

Appendix 4: Total Rape cases in different states in recent decade of 21st century (2010-2022)

STATES	2020	2021	2022	2019	2020	2021	2022	2020	2021	2022	2019	2020	2021	2022
	2	2	2	20	2	2	2	2	2	20	2	2	2	2
	0	0	0	19	0	0	0	0	0	13	0	0	0	0
	2	2	2		1	1	1	1	1		1	1	1	1
	2	1	0		8	7	6	5	4		2	1	0	0
Andhra Pradesh	6	1	1	10	9	9	9	1	9	16	1	1	1	1
	2	1	0	86	7	8	9	0	6	35	3	4	3	3
	1	8	9		1	8	4	2	1		4	4	6	6
		8	5					7			1	2	2	2
Arunachal Pradesh	7	8	6	63	6	5	9	7	8	75	4	4	4	4
	4	3	0		7	9	2	1	3		6	2	7	7
Assam	1	1	1	17	1	1	1	1	1	19	1	1	1	1
	1	7	6	73	6	7	7	7	9	37	7	7	7	7

	1 3	3 3	5 7		4 8	7 2	7 9	3 3	8 0		1 6	0 0	2 1
Bihar	8 8 1	7 8 6	8 0 6	73 0	6 5 1	6 0 5	1 0 0 8	1 0 4 1	1 1 2 7	11 28	9 2 7	9 3 4	7 9 5
Chhattisgarh	1 2 4 6	1 0 9 3	1 2 1 0	10 36	2 0 9 1	1 9 0 8	1 6 2 6	1 5 6 1	1 4 3 6	13 80	1 0 3 4	1 0 5 3	1 0 1 2
Goa	7 3	7 2	6 0	72	6 1	7 6	6 1	8 6	9 5	86	5 5	2 9	3 6
Gujarat	6 1 0	5 8 9	4 8 6	52 8	5 5 3	4 7 7	9 8 2	5 0 3	8 4 1	73 2	4 7 3	4 3 9	4 0 8
Haryana	1 7 8 7	1 7 1 6	1 3 7 3	14 80	1 2 9 6	1 0 9 9	1 1 8 7	1 0 7 0	1 1 7 4	97 1	6 6 8	7 3 3	7 2 0
Himachal Pradesh	3 5 9	3 5 8	3 3 1	35 9	3 4 4	2 4 9	2 5 2	2 4 4	2 8 3	25 0	1 8 3	1 6 8	1 6 0
Jammu & Kashmir	-	-		22 3	3 2 0	2 9 6	2 5 6	2 9 6	3 3 1	37 8	3 0 3	2 7 7	2 4 5
Jharkhand	1 2 9 8	1 4 2 5	1 3 2 1	14 16	1 0 9 0	9 1 4	1 1 0 9	1 0 5 3	1 0 5 0	12 04	8 1 2	7 8 4	7 7 3
Karnataka	5 9 5	5 5 5	5 0 4	50 5	4 9 2	5 4 6	1 6 5 5	5 8 9	1 3 2 4	10 30	6 2 1	6 3 6	5 8 6
Kerala	8 1 4	7 7 1	6 3 7	20 23	1 9 4 5	2 0 0 3	1 6 5 6	1 2 5 6	1 3 4 7	12 21	1 0 1 9	1 1 3 2	6 3 4
Madhya Pradesh	3 0 2 9	2 9 4 7	2 3 3 9	24 85	5 4 3 3	5 5 6 2	4 8 8 2	4 3 9 1	5 0 7 6	43 35	3 4 2 5	3 4 0 6	3 1 3 5
Maharashtra	2 9 0 4	2 4 9 6	2 0 6 1	22 99	2 1 4 2	1 4 3 3	4 1 8 9	4 1 4 4	3 4 3 8	30 63	1 8 3 9	1 7 0 1	1 5 9 9
Manipur	4 2	2 6	3 2	36	5 2	4 0	5 5	4 6	7 5	72	6 3	5 3	3 4
Meghalaya	7 5	7 5	6 7	10 2	8 7	1 1 9	1 9 0	9 3	1 1 8	18 3	1 6 4	1 3 0	1 4 9
Mizoram	1 4	2 6	3 3	42	5 0	2 5	2 3	5 8	1 2 0	89	1 0 3	7 7	9 2
Nagaland	7	4	4	8	1 0	1 0	2 6	3 5	3 0	31	3 1	2 3	1 6

Odisha	1 4 6 4	1 4 5 6	1 2 1 1	13 82	9 1 8	2 0 7 0	1 9 8 3	2 2 5 1	1 9 7 8	18 32	9 4 5 8	1 1 1 2	1 0 2 5
Punjab	5 1 7	4 6 4	5 0 2	10 02	8 3 1	5 3 0	8 3 8	8 8 6	9 8 1	88 8	6 8 0	4 7 9	5 4 6
Rajastha n	5 3 9 9	6 3 3 7	5 3 1 0	59 97	4 3 3 5	3 3 0 5	3 6 5 6	3 6 4 4	3 7 5 9	32 85	2 0 4 9	1 8 0 0	1 5 7 1
Sikkim	1 3	8	1 2	11	1 6	1 7	9 2	5	4 7	43	3 4	1 6	1 8
Tamil Nadu	4 2 1	4 2 2	3 8 9	36 2	3 3 1	2 8 3	3 1 9	4 2 1	4 5 5	92 3	7 3 7	6 7 7	6 8 6
Telangan a	8 1 4	8 2 3	7 6 4	87 3	6 0 6	5 5 2	1 2 7 8	1 1 0 5	9 7 9	-	-	-	-
Tripura	6 2	6 1	7 9	88	9 7	9 5	2 0 7	2 1 3 9	2 3 9	23 3	2 2 9	2 0 5	2 3 8
Uttar Pradesh	3 6 9 0	2 8 4 5	2 7 6 9	30 65	3 9 4 6	4 2 4 6	4 8 1 6	3 0 2 5	3 4 6 7	30 50	1 9 6 3	2 0 4 2	1 5 6 3
Uttarakh and	8 6 7	5 3 4	4 8 7	52 6	5 6 1	3 7 4	3 3 6	2 8 3	2 7 0	22 8	1 4 8	1 2 9	1 2 1
West Bengal	1 1 1 1	1 1 2 3	1 1 2 8	10 69	1 0 6 9	1 0 8 4	1 1 1 0	1 1 9 9	1 4 6 6	16 85	2 0 4 6	2 3 6 3	2 3 1 1
TOTAL STATE(S)	2 9 9 0 0	3 0 0 1 6	2 6 7 2 7	30 64 1	3 2 0 1 3	3 1 2 3 7	3 6 6 5 7	3 2 3 2 8	3 4 5 3 0	31 96 7	3 4 1 5 7	2 3 5 8 2	2 1 6 0 3
UNION TERRITORIES:													
A&N Island	1 2	1 5	2	13	3 0	1 3	3 0	3 6	3 2	27	1 2	1 3	2 4
Chandiga rh	7 8	7 4	6 0	11 2	8 6	6 5	6 8	7 2	5 9	45	2 7	2 7	3 1
D&N Haveli	9	3	4	0	7	1	1 4	8 0	5	5	3	4	3
Daman & Diu				4	3	7	1 2	8 5	5	5	3	4	3
Delhi	1 2 1 2	1 2 5 0	9 9 7	12 53	1 2 1 5	1 2 2 9	2 1 5 5	2 1 9 0	2 0 9 6	16 36	7 0 6	5 7 2	5 0 7
Lakshad weep	4	0	3	0	2	0	5	0	1	2	0	0	0
Puducher ry	9	2	8	10	0	7	6	3	1 0	17	1 3	7	3

Jammu & Kashmir	287	315	243	-	-	-	-	-	-	-	-	-	-
Ladakh	5	2	2	-	-	-	-	-	-	-	-	-	-
TOTAL UNION TERRITORY(IES)	1616	1661	1339	1392	134	132	2290	2323	2205	1740	766	624	569
TOTAL ALL INDIA	3156	3167	2806	3203	3335	3255	3894	3865	3675	3370	2492	2406	2272

Appendix 5: Categorization of Rape cases according to different Age-Groups-2018-2022

Year	Cases Reported Total (All India)	Child victims of Rape (Below 18 Yrs.)					Women Victims of Rape (Above 18 Yrs.)					Total Victims
		Below 6 yrs	6-12 yrs	12-16 yrs	16-18 yrs	Total Girl/Child Victims	Below 18 yrs	18-24 yrs	24-30 yrs	30-45 yrs	Total women/A adult victims	
2018	33356	2810.8%	752.2%	361.6%	471.4%	9493 (27.8%)	17635.1%	6081.8%	722.1%	730.2%	24544 (72.2%)	33977 (100%)

							%)					
2019	32033	144 (0 . 4 %)	428 (1 . 3 %)	1648 (5 . 1 %)	2758 (8 . 5 %)	4977 (15.4%)	19653 (6 0 . 9 %)	6716 (2 0 . 8 %)	851 (2 . 6 %)	63 (0 . 2 %)	27283 (84.6%)	32260 (100%)
2020	28046	80 (0 . 3 %)	211 (0 . 7 %)	893 (3 . 2 %)	1471 (5 . 2 %)	2655 (9.4%)	17740 (6 3 . 0 %)	6832 (2 4 . 3 %)	868 (3 . 1 %)	58 (0 . 2 %)	25498 (90.6%)	28153 (100%)
2021	31677	530 (0 . 2 %)	183 (0 . 6 %)	103 (3 . 2 %)	1725 (6 . %)	3038 (9.5%)	20065 (6 2 . 9 %)	762 (3 . 9 %)	107 (3 . 4 %)	78 (0 . 2 %)	28840 (90.5%)	31878 (100%)
2022	31516	32 (0 . 1 %)	88 (0 . 3 %)	370 (1 . 2 %)	527 (1 . 6 %)	1017 (3.2%)	21063 (5 . 9 %)	844 (2 7 . 0 %)	117 (3 . 7 %)	87 (0 . 9 %)	30965 (96.8%)	31982 (100%)

Source: (National Crime Records Bureau, Ministry of Home Affairs <<http://ncrb.gov.in/>> Accessed on May 8, 2024)